STATE OF TEXAS §
§
HARRIS COUNTY §

AFFIDAVIT OF ELAINE F. PRAPPAS

On this day, 7TH of November 2006, Elaine F. Prappas, appeared before me, the undersigned notary public. After I administered an oath to her, upon her oath, she said:

1. "My name is Elaine F. Prappas. I am competent to make this affidavit. The facts stated in this affidavit are within .my personal knowledge and are true and correct.

2. I am the attorney that represented plaintiffs in their Appeal to the Board of Immigration Appeal (BIA) in *Re: Ayanbadejo,* Immigration case file number A76 828-558. As the attorney of record, I have personal knowledge of the facts stated in this affidavit, and they are true and correct.

3. In or about October of 2002, Mr. and Mrs. Ayanbadejo hired me, Ms. Elaine Prappas, to appeal the denial of their petition to adjust Mr. Ayanbadejo's status as an immediate relative of Mrs. Ayanbadejo.

4. On or about 11/5/2002 Ms. Prappas filed the Notice of Appeal dated 10/30/2002. Incorporated herein and attached as Exhibit "1" is a copy of the relevant pages of Ms. Prappas' Notice of Appeal.

5. On 9/20/2006 Mr. Ayanbadejo contacted our office and informed us that his attorneys had just noticed that the United States Citizenship and Immigration Services (USCIS) did not forward the brief, which our office had prepared for Mr. and Mrs. Ayanbadejo and timely forwarded the brief to the USCIS for onward transmittal to the BIA.

6. Mr. Ayanbadejo requested for a copy of proof of timely service of the aforesaid brief to the USCIS from my office on about September 19, 2006. However, I was out of the country at that time. My paralegal attempted to assist Mr. Ayanbadejo but she is not familiar with my court files and was unable to locate the necessary documents due to the volume of the file.

7. On 9/25/2006 with the assistance of a temporary associate that was standing in for me when I was out of the country my office staff gave Mr. Ayanbadejo an exact copy of the letter Ms. Prappas sent accompanying the brief and the certificate of return receipt indicating receipt by defendants. Incorporated herein and attached as Exhibit "2" is a copy of the accompanying letter Ms.

Prappas served on defendants and certified mail return receipt card signed by defendants as received for onward transmission to the BIA."

Elaine F. Prappas/Affiant

SWORN TO and SUBSCRIBED before me by 7th on November, 2006.

Notary Public in and for
the State of Texas

NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS OF DECISION OF DISTRICT DIRECTOR

In the Matter:	Fee Stamp
John Henry Adedayo Ayanbadejo	

File Number: A 76 – 825 – 558

1. I hereby appeal to the Board of Immigration Appeals from the decision of the District Director, Houston, TX District, dated October 9, 2002, in the above entitled case.

2. Specify reasons for this appeal and continue on separate sheets if necessary. If the factual or legal basis for the appeal is not sufficiently described the appeal may be summarily dismissed. 1. The District Director erred in not considering all the evidence presented to them, in their determination that the marriage was a "sham". 2. Continued on the next page>>>>>>>>>>>>>>>>>>

3. I ☐ do ☑ do not desire oral argument before the Board of Immigration Appeals in Falls Church, Virginia.

4. I ☑ am ☐ am not filling a separate written brief or statement.

_____
Signature of Appellant
(or attorney or representative)

Elaine F. Prappas
(print or type name)

10/30/2002
Date

Prappas & Associates
4151 Southwest Freeway, Ste. 380
Houston, TX 77027
Address *(number, street, city, state, Zip Code)*

FORM EOIR-29
JAN. 89

2. District Director erred in his findings that the Petitioner and Beneficiary failed to establish a bonafide marital relationship.

3. District Director abused his discretion and acted in an arbitrary and capricious manner

4. District Director erred in not considering all of the evidence submitted to establish co-habitation, which supports the validity of a bonafide marriage.

5. Petitioner reserves the right to expand and submit additional issues at the time of filing of Petitioner's brief.

UNITED STATES DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

FELICIA DYRNALL MALVEAUX
Petitioner/Appellant

John Henry Adedayo Ayanbadejo
Beneficiary

File # A 76 828 558

BRIEF IN SUPPORT OF APPEAL OF DENIAL OF I-130 ALIEN RELATIVE PETITION

Respectfully Submitted,

Elaine F. Prappas
Attorney for Appellant
4151 Southwest Freeway #380
Houston, Texas 77027
(713) 960-0099
(713) 960-9496

BRIEF IN SUPPORT OF APPEAL OF DENIAL OF I-130 ALIEN RELATIVE PETITION

FACTS

On February 10, 1997 the Petitioner, a thirty-four year old United States citizen, married the Beneficiary, a thirty-seven year old citizen of Nigeria, On February 17, 1997, the Petitioner filed an I-130 alien relative petition on behalf of the Beneficiary seeking to accord the Beneficiary immediate relative status. On December 16, 1999, after an interview to adjust the Beneficiary's status to that of lawful permanent status, the Bureau of Citizenship and Immigration Services (BCIS) requested additional documentation from the Petitioner. Specifically, the BCIS requested proof of cohabitation, immunizations for the Beneficiary and a, letter of employment. Said documents were provided as requested.

On December 5, 2000 the BCIS issued a notice of intent to deny the visa petition based on a finding that Petitioner had not established the eligibility for the benefit sought. The BCIS stated that an investigation revealed different addresses for the Petitioner and Beneficiary during July 1997 and another time period, which the BCIS fails to specify. The Petitioner responded to said notice with an affidavit dated January 24, 2001 in which address discrepancies were explained and rebutted.

On April 17, 2001 due to lack of response from the BCIS the Petitioner filed another Form I-130 and was again interviewed. On June 26, 2002 the BCIS issued a second Notice of Intention to Deny on grounds that the Petitioner and Beneficiary were living separately and that documentation submitted by Petitioner was insufficient to establish eligibility for the benefit sought. Petitioner responded by providing additional

documentation and an affidavit dated July 17, 2002. In her affidavit Petitioner explained that career and employment choices necessitated the couple living apart temporarily.

On October 9, 2002 the BCIS issued a Notice of Denial based upon the fact that Petitioner and Beneficiary were living apart and that telephone and written communication between the two since living temporarily apart was insufficient to establish a bona fide marriage.

ISSUES

1. The District Director erred by failing to consider all the evidence submitted and in finding that the Petitioner and Beneficiary failed to establish a bona fide marital relationship.
2. The District Director erred in relying on the fact that Petitioner and Beneficiary are temporarily living apart to find that no bona fide marital relationship exists.
3. The District Director abused his discretion and acted in an arbitrary and capricious manner.

Issue #1
Bona Fide Marriage

Where there is reason to doubt the validity of the marital relationship, the Petitioner must submit evidence to establish that the marriage was not entered into for the purpose of circumventing the immigration laws. *Matter of Phillis, 15 I&N. Dec. 385 (BIA 1975).* The test of the viability of a marriage is whether the parties intended to establish a life together at the time they married. There are no federal dictates about the kind of life that partners should lead. In fact, any attempt to regulate life styles and specify the requirements of a bona fide marriage would raise serious constitutional

State of New York Documents- Beneficiary's 2000 New York State Nonresident Income Tax Return; New York State Retirement Form listing Petitioner as beneficiary of the account; New York Office of Temporary & Disability Assistance Post Employment Information form listing Petitioner as an emergency contact; Change of Address form from Beneficiary to New York agency where Petitioner is again listed as emergency contact; employment letter from New York State Office of Temporary & Disability Assistance to Beneficiary dated 6/6/01 confirming employment as a Hearing Officer; employment letter from New York City Department of Finance regarding Administrative Law Judge position; copies of check stubs from New York showing marital status of & married.

State of Texas voter registration card Jefferson County - for Beneficiary showing Beaumont, Texas address;

Bank Statements - from Wells Fargo, Bank United, Washington Mutual, Citibank; Mobil Oil Federal Credit Union;

Bank Credit Card correspondence- from Bank United, Mobil Oil Credit Union and Wells Fargo;

Airline Boarding Passes and Itineraries - showing travel between New York and Houston, Texas including boarding passes from AirTran 9/30/00 - 10/7/00; 01/24/01; US Airways 4/12/01 - 4/16/01; TWA boarding passes 7/16/01 - 7/19/01;

Cell phone bill from Sprint for 8/2001;

The BCIS expressed doubt as to the validity of the marriage based upon its decision that the activity in a joint bank account was insufficient to show a bona fide marriage. In evaluating the evidence the BCIS may not abuse its discretion by assigning

questions. *Bark* v. *BCIS, 511 F.2d 12022 (9th Cir. 1975).* Evidence to establish intent may take many forms including, but not limited to, proof that the beneficiary has been listed as the Petitioner's spouse on insurance policies, property leases, joint income tax forms, or bank accounts... *Matter of Phillis, supra.* The conduct of the parties after marriage is relevant to their intent at the time of marriage. *INA S.201 (b), 8U.S.C s. 1151(b).*

A visa petition filed on behalf of an alien that attempts or conspires to enter into a marriage for the purpose of evading immigration laws will be denied. The evidence of such attempt or conspiracy must be documented in the alien's file and must be substantial and probative. Factual findings underlying a Service decision that a Beneficiary entered into a fraudulent marriage must be supported by substantial evidence. Age disparity, lack of various joint accounts, and the Petitioner's continued use of her prior husband's name do not meet the substantial and probative threshold. *In re Jose Kleber Iturralde-Reinoso 18 Immig. Rptr. B1-240 (BIA 1998).* The Board further stated that "...a joint 1994 Federal Tax Return is of significant value in establishing that the Petitioner and Beneficiary were developing a marital household." *In re Jose, supra.*

The following is a partial list of documentary evidence submitted by Petitioner:

Federal Documents - Beneficiary's 1997 and 1998 Federal Tax Returns showing status of married filing separately; 1999 and 2000 Federal Tax Returns showing status of married filing jointly; correspondence between the Internal Revenue Service (IRS) and Petitioner and Beneficiary dated 3/27/01, 6/3/01, 6/11/01, 6/18/01, and an Installment Agreement dated 6/14/02; 2000 and 2001 Social Security Statements for Beneficiary.

requirements that constitute "sufficient activity". The concept of establishing a life as marital partners contains no federal dictate about the kind of life that the partners may choose to lead. Any attempt to regulate their life styles, such as prescribing the amount of time they must spend together, or designating the manner in which either partner elects to spend his or her time, in the guise of specifying the requirements of bona fide marriage would raise serious constitution questions *Bark, supra.*

In the present case the Petitioner and Beneficiary jointly opened the account. There is no allegation that the account was a forgery or was used for illegal purposes. What a couple chooses to do with their joint account is not within the discretion of the Attorney General to determine. The only question presented was whether the account was a joint account and the evidence presented clearly shows both parties named and using the account.

Petitioner submitted evidence which time and again has been deemed sufficient to establish eligibility for the benefit sought. Documentary evidence submitted in this case clearly meets the level of proof required and tracks the forms of proof suggested by the Board in *Matter of Phillis, supra.* Evidence to establish intent may take many forms. The relevant inquiry to be made is whether the parties intended to establish a life together when they exchanged marriage vows *In Re: Burcena 11 Immig. Rptr. B1-28.* The suggested list of evidence in *Burcena* is not exhaustive. The BCIS abused its discretion by relying on minute discrepancies in the parties addresses during the first year of marriage that were sufficiently rebutted by petitioner in her affidavit. The parties have preferred appropriate evidence to refute the BCIS's doubt as to intent at the time of

marriage. The BCIS has failed to establish by substantial and Probative evidence that the marriage is not a bona fide relationship.

Issue #2
Temporary Separation

The District Director erred in relying on the fact that Petitioner and Beneficiary 1are temporarily living apart to find that no bona fide marital relationship exists. The key issue is whether the parties intended to establish a life together at the time of the exchange of wedding vows. Aliens cannot be required to have more conventional or ore successful marriages than citizens *Whetstone v. BCIS 561 F.2d 1303 (9th ctr 1977).* Couples separate, temporarily and permanently, for all kinds of reasons that have nothing to do with any pre-conceived intent not to share their lives, such as call to the military service, educational needs, employment opportunities, illness, poverty, and domestic difficulties *Sang Chul* v. *BCIS. 511 F.2d 1200 No. 72-31433 (1975).* Conduct of the parties after the marriage is relevant only to the extent that it bears upon their subjective state of mind at the time they were married...But evidence of separation, standing alone, cannot support a finding that a marriage was not bona fide when it was entered *Barks v. INS, 511 F. 2d 1200 (9th Cir. 1975*

Where there is no evidence the parties have legally separated or dissolved their marriage, a visa petition filed on behalf of the alien spouse should not be denied solely because the parties are not residing together *Matter of Lenning 17 IN. Dec. 476 Interim Dec. #2817 (BIA 1980).* Separation in and of itself is no longer a valid basis for denial of a visa petition...the Service could not deny; the visa petition solely because the parties

were no longer living together *Matter of McKee 17 I.N. Dec. 332 Interim Decision #3782 (BM 1980), In Re: X9 Immig. Rptr. B2-87.*

In the instant case Petitioner informed the BCIS by affidavit that she and her husband sometimes lived apart because of employment opportunities. The Beneficiary worked in Houston, Texas during the marriage while living in Beaumont, Texas, a distance of over 100 miles. Petitioner in her affidavit stated the Beneficiary would return home on weekends but stay with family in Houston during the week. Furthermore, Petitioner stated in her affidavit dated July 17, 2001 that her husband was a licensed attorney under Nigerian law but not under Texas law. To pursue his legal career the Beneficiary had the choice to move to California or New York where his law license would be recognized. After working for a period of time as a lawyer the Beneficiary would then be accorded recognition by the Texas State Bar. Clearly the Beneficiary was acting in the best interest of the parties by pursuing employment consistent with his training and skills. Further evidence is offered in the form of federal tax returns showing an increase in income for the couple. Sufficient probative evidence was submitted by the parties to explain the temporary separations.

The BCIS incorrectly asserts that there was no communication between the Petitioner and Beneficiary during the separation. This is a blatant misstatement of the evidence. As previously stated the Petitioner submitted documentary evidence of travel between New York and Texas, copies of written correspondence and a copy of a cell phone bill. To allow the BCIS to determine what is sufficient contact and communication between a couple raises serious constitutional issues

CONCLUSION

The relevant issue is whether the Petitioner and Beneficiary intended to establish a life together at the time of their marriage. Based upon the evidence submitted and the interview of the Petitioner and Beneficiary that question is answered in the affirmative. The BCIS has failed to show by substantial and probative evidence that minor discrepancies outweighed the plethora of evidence submitted by Petitioner and Beneficiary to show a bona fide marriage.

For the foregoing reasons it respectfully is requested that the decision of the BCIS be reversed and the application of the Petitioner be granted.

Respectfully submitted,

Elaine F. Prappas

Attorney for Respondent

ATTORNEYS AT LAW

Prappas

& Associates

December 11,2003

United States Department of Justice
Bureau of Citizenship
126 North Point Houston District Offices
Houston, TX 77060

RE: *A# 76-828-558*
John Henry Adeyayo Ayan Badejo
Brief in Support of 1-130 Appeal

Dear Sir or Madam

Please find enclosed the Appellant's brief in support of the I-130 Alien Relative Petition's. She filed on behalf of her husband John Henry Adeyayo Ayan Badejo.

See enclosed copy of Notice of Appeal.

Also, please find enclosed a copy for the Trial Attorney Division of the Houston District Office.

Very truly yours,

Elaine F. Pappas

4151 Southwest Freeway • Suite 380 • Houston, Texas 77027
Phone:713-960-0099 • Fax 713-960-9496 • E-mail: prappas@aol.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BCTS
Trial Attorneys
126 Northpoint
Houston, Tx. 77060

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

HOUSTON, TX JAN 24 2003 USPS

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7002 2030 0003 8830 7755

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

ATTORNEYS AT LAW

Prappas

& ASSOCIATES

April 13,2005

Pauline Appelbaum
126 North Point
Houston TX77060

RE: A #76 828 558
John Henry Adeyayo Ayan Badejo
Brief in Support of I-130 Appeal

Dear Madam,

Please be informed the A # printed on the Respondents brief is incorrect.

The correct A # of John Henry Ayenbadejo is A # 76 828 558 and not A # 76 825 558 as it appears in several places on the brief.

Please correct these type graphical errors on the brief before it is submitted to the BIA.

Thank you in advance for your kind cooperation in this matter.

Very truly yours,

Elaine F. Prappas

EFP/rp

6200 Gulf Freeway* Suite 400 * Houston, Texas 77023 * Phone: 713-960-0099*
Fax 713-960-9496 ♦ E-mail: prappas@aol.com

NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS OF DECISION OF DISTRICT DIRECTOR

In the Matter:	Fee Stamp
John Henry Adedayo Ayanbadejo	4658 001 11/05/02 9:56 EDIR CT 29 110.00

File Number: A 76 – 828 – 558

5. I hereby appeal to the Board of Immigration Appeals from the decision of the District Director, Houston, TX District, date October 9, 2002, in the above entitled case.

6. Specify reasons for this appeal and continue on separate sheets if necessary. If the factual or legal basis for the appeal is not sufficiently described the appeal may be summarily dismissed. 1. The District Director erred in-not considering all the evidence presented to them, in their determination that the marriage was a "sham". 2. Continued on the next page>>>>>>>>>>>>>>>>>>

7. I ☐ do ☑ do not desire oral argument before the Board of Immigration Appeals in Falls Church, Virgina.

8. I ☑ am ☐ am not filing a separate written brief or statement.

Signature of Appellant
(or attorney or representative)

Elaine F. Prappas
(print or type name)

10/30/2002
Date

Prappas & Associates
4151 Southwest Freeway, Ste. 380
Houston, TX 77027
Address *(number, street, city, state, Zip Code)*

FORM EOIR-29
JAN. 89
Ayanbadejo-000014

2. District Director erred in his findings that the Petitioner and Beneficiary failed to establish a bonafide marital relationship.
3. District Director abused his discretion and acted in an arbitrary and capricious manner
4. District Director erred in not considering all of the evidence submitted to establish co-habitation, which supports the validity of a bonafide marriage.
5. Petitioner reserves the right to expand and submit additional issues at the time of filing of Petitioner's brief.

INSTRUCTIONS

1. **Filing**. This notice of appeal must be filed with the Office of the Immigration and Naturalization Service (INS) having administrative control over the Record of Proceeding within 15 calendar days *(or 18 calendar days if mailed)* after service of the decision of the District Director. The Notice of Appeal is not to be forwarded directly to the Board of Immigration Appeals (BIA).

2. **Fees**. A fee of one hundred and ten dollars *($110)* must be paid for filing this appeal. It cannot be refunded regardless of the action taken on the appeal. *(Only a single fee need be paid if two or more persons are covered by a single decision.)* DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States *Currency*. If appellant resides in Guam, check or money order must be payable to the "Treasurer of Guam." If appellant resides in the Virgin Islands, checks or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other appellants must make the check or money order payable to the "Treasurer of the United States." When check is drawn on account of a person other than the appellant, the name and "A" number of the appellant must be entered on the face of the check. If appeal is submitted from outside the United States, remittance may be made by bank internationa! money order or foregoing draft drawn on a financial institution in the United States and payable to the "Treasurer of the United States" in United States currency. Personal checks are accepted subject to collectibility. An uncollected check will render the appeal form and any document issued pursuant thereto invalid.

3. **Counsel.** In presenting and prosecuting this appeal, the INS may be represented by appropriate counsel. An appellant, other than the INS, may be represented at no expense to the Government by counsel or other duly authorized representative. Pursuant to 8 C.F.R. 3.36(d), a separate notice of appearance must be filed with this notice of appeal.

4. **Briefs.** When a brief is filed, it shall be submitted to the Office of Immigration and Naturalization Service having administrative control over the Record of Proceeding in this matter within the time designated by the District Director. Pursuant to 8 C.F.R. 3.30(a), a copy shall be served on the opposing party. The District Director, or the BIA, for good cause, may extend the time of filing a brief or reply brief. The BIA in its discretion may authorize the filing of briefs with it, in which event the opposing party shall be allowed a specified time to respond.

5. **Oral argument**. No personal appearance by the appellant or counsel is required. The BIA will consider every case on the record submitted, whether or not oral representations are made. Oral argument may be requested. If approved, oral argument in any case should not extend beyond fifteen *(15)* minutes, unless additional time is granted by the BIA pursuant to a request made in advance of the hearing. No interpreters are furnished by the Government for the argument before the BIA.

   An appellant will not be released from detention or permitted to enter the United States to present oral argument to the BIA personally. The appellant, however, may make arrangements to have someone represent him/her before the BIA. Unless such arrangements are made at the time the appeal is taken, the Board will not calendar the case for argument.

6. **Summary dismissal of appeals.** The BIA may deny oral argument and summarily dismiss any appeal in which (i) the party concerned fails to specify' the reasons for his/her appeal on the reverse side of this form, (ii) the only reason specified by the party concerned for his/her appeal involves a finding of fact or conclusion of law which was conceded by him/her at the hearing, (iii) the appeal is from an order that grants the party concerned the relief which he/she requested, or (iv) if the BIA is satisfied from a review of the record, that the appeal is frivolous or filed solely for the purpose of delay.

NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE BEFORE THE BOARD OF IMMIGRATION APPEALS EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

TYPE OF PROCEEDING
Deportation | Rescission | Exclusion | Removal | Asylum Only | Motion to Reopen/Reconsider | ✓ Bond

DATE: 10/30/2002

ALIEN NUMBER(S) (Give A-file number and all family members' numbers if applicable)

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First)	(Middle Initial)	(Last)	76-823-358 Jake Hendry Acedavo Ayanbadejo
Felicia	Makeeva		

ADDRESS (Number & Street)	(Apt. No.)	(City)	(State)	(Zip Code)
[redacted] Harwin #322		Houston	TX	77036

Please check one of the following:

✓ 1. I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(s), Commonwealth(s) or the District of Columbia:

Name(s) of Court(s)	State Bar No. (if applicable)
Supreme Court	16229050

(Check the space on reverse side to list additional jurisdictions.)

I am not the subject of any sanction(s) or order(s) affecting my eligibility to practice before any court, agency, or service, including any order suspending, enjoining, restraining, disbarring, or otherwise restricting me in the practice of law and the order(s) listed above comprise all of the jurisdictions under which I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, as recognized by the Executive Office for Immigration Review (provide name of organization): _____

3. I am a law student or law graduate reputable individual, accredited official, or other person authorized to represent under 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the explanations provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE	BAR NO.	TELEPHONE NUMBER (Include Area Code)	DATE
	16229050	713-960-0099	10/30/2002

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT)	ADDRESS — Check here if this is a new address
Elaine F. Peppas	Peppas & Associates, 4151 Southwest Freeway, Ste. 380 Houston, TX 77027

Certificate of Service

I, Elaine F. Peppas (Name), mailed or delivered a copy of the foregoing on 10/30/2002 (Date) to the following party and to the following address: 126 North Post, Houston, TX 77007 (Address).

(Signature of Attorney or Representative)

(Revised 11/15/2001) FORM EOIR-27 August 99

(Note: Also may be required to sign Acknowledgement and Consent on reverse side of this form.)

Ayanbadejo-000017

BEST AVAILABLE COPY

I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO THE DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.

NAME OF PERSON CONSENTING	SIGNATURE OF PERSON CONSENTING	DATE
Felicia Maltezos		10/30/2002

(NOTE: *The Privacy Act of 1974 requires that if person giving representation is or does not be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign this form.*)

APPEARANCES - An appearance shall be filed on **EOIR Form 27** by the attorney or representative appearing in each appeal before the Board of Immigration Appeals (see 8 C.F.R. § 3.3(a)(3)). even though the attorney or representative may have appeared in the case before the Immigration Judge or the Immigration and Naturalization Service. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. Chapter 1, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Board of a request by the attorney or representative of record in accordance with *Matter of Rigdon*, 19 I&N Dec. 465(1953). Further proof of authority to act in a representative capacity may be required.

REPRESENTATION - A person entitled representation may be represented by any of the following:

(1) Attorneys in the United States as defined in 8 C.F.R. § 1.1(f).

(2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 292.1(a)(2).

(3) Reputable individuals as defined in 8 C.F.R. § 292.1(a)(3).

(4) Accredited representatives as defined in 8 C.F.R. § 292.1(a)(4).

(5) Accredited officials as defined in 8 C.F.R. § 292.1(a)(5).

THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. §§ 16.1-16.11 AND APPENDICES.

Public reporting burden for the collection of information is estimated to average 6 minutes per response, including the time for reviewing the data needed, completing and reviewing the collection of information, and record-keeping. Send comments regarding the burden estimate or any other aspect of this information collection including suggestions for reducing this burden to the Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

(Please attach additional sheets of paper as necessary.)

(Rev. 06/05/2002)

Attorney Retainer

Ayanbadejo-000018

ATTORNEYS AT LAW

Prappas

& Associates

November 1, 2002

United States Department of Justice
Immigration and Naturalization Service
126 Northpoint
Houston, TX 77060

Express Mail EV201712918US

Re: Notice of Appeal to the BIA
John Henry Adedayo Ayanbadejo
A#76-825-558

Dear Sir or Madam:

Please find enclosed Notice to the BIA (EOIR -29) for the above-mentioned individual.
I have enclosed a check in the amount of $110.00 for statuory filing fees, and a self-address-stamped-envelope so that the receipt can be returned.
As per instructions and I have enclosed a copy for the District Director and also for compliance for the Certificate of Service of the (EOIR-27)
If there are any questions regarding this mater, please do not hesitate to contact my office. Thank you in advance for your time and attention.

Very truly yours,

Elaine F. Prappas

EFP/nwd

Ayanbadejo-000019

4151 Southwest Freeway. Suite 380 Houston, Texas 77027 Phone: 713-960-0099 Fax: 713-960-9496 E-mail:prappas@aol.com